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Promotion and protection of the rights of children: promotion and protection of the rights of children

Security Council
Seventieth year

Letter dated 21 May 2015 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to submit herewith a non-paper, compiled as a courtesy by the Permanent Mission of France to the United Nations, which summarizes various proposals and ideas expressed by participants during the open debate convened on 25 March 2015 by the French presidency of the Security Council on the topic of children victims of armed non-State actors (see annex).

This non-paper, the purpose of which is to identify concrete and operational actions and measures to prevent and end violations against children by armed non-State actors during armed conflicts, does not represent an endorsement of its content by France or any other Member State or participant.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 64 (a), and of the Security Council.

(*Signed*) François **Delattre**
Ambassador
Permanent Representative

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Annex to the letter dated 21 May 2015 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

[Original: English]

Non-paper

Proposals for action to protect children from non-State armed groups or actors (ANSAs)

On March 25 2015, the French Presidency of the Security Council organized an Open Debate on the topic of children victims of non-State armed groups or actors (ANSAs).

Despite prohibitions in international law and the existence of protective standards, grave violations against children are still being committed, in particular by ANSAs which are often difficult to approach for political or security reasons.

The purpose of this Open Debate was to identify concrete, operational and actionable actions and measures to prevent and end violations committed by ANSAs which represent a large variety of different groups and structures, and which react differently to each incentive or sanction.

The Open Debate was chaired by Ambassador François Delattre, Permanent Representative of France to the United Nations and President of the Security Council. The following briefers addressed the Security Council: the Secretary-General; his Special Representative for Children and Armed Conflict, Ms Leila Zerrougui; the Deputy Director Executive of UNICEF, Ms Yoka Brandt; Mr. Junior Nzita, former child soldier in DRC and President of the NGO "Paix pour l'Enfance"; and Ms. Julie Bodin, Child protection advisor of Save the Children in Central African Republic.

This non-paper, compiled by way of courtesy by the Permanent Mission of France, is a summary of the different proposals and ideas expressed by the participants during the Open Debate. **It does not represent an endorsement of all these proposals and their content by France or any other Member States or participant.**

The proposals are addressed to different types of stakeholders, which all have a responsibility and role to play in the protection of children from ANSAs, for further consideration:

1. For STATES:

1.1. Political dialogue

- *Facilitate* and take advantage of ongoing political dialogue, mediation or peace processes to enhance cooperation, where possible, with ANSAs, including young ANSA leaders, with a view to engage them and sensitize them on ending and preventing grave violations against children;
- *facilitate* access to ANSAs of Mediators, the United Nations and civil society to inform ANSAs about their obligations to end and prevent violations against children and negotiate action plans;

1.2. Legal framework and system

International obligations and principles

- *commit* to respecting international law as applicable, as well as complying with standards and principles with regard to the protection of the child;
- *ratify* the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict for States who have not done so already;
- *ratify* the Rome Statute of the International Criminal Court which treats the recruitment of children under 15 years of age as a war crime; *welcome* the initiative of the ICC to develop a comprehensive Policy Paper on Children, so as to help protect children from further recruitment and use by ANSAs; and *explore* the work of the Trust Fund for Victims (TFV) elaborating a draft implementation plan for collective reparations;
- *commit* to the Paris Principles and Guidelines,[1] and Commitments of 2007,[2] and *propose* trainings and information on the Paris Principles to relevant national actors (government, security forces, diplomatic representatives etc.);

National and transitional justice

- *strengthen* national justice systems through provision of appropriate capacity and resources, including the development of legislation criminalizing grave violations of children's rights, and building transparent institutional investigative and prosecutorial capabilities to fight impunity of suspected perpetrators of grave violations of children's rights such as the recruitment or use of children by ANSAs;
- *make the full use of* measures of transitional justice in order to bring perpetrators of violations against children to justice, and, in line with international standards for juvenile justice, *find and promote* alternatives to detention if/when a child is found criminally responsible in accordance with the provisions of international law and UN guidelines on juvenile justice;

Fight against impunity

- *commit* to effectively hold perpetrators accountable before justice and *fully cooperate* with the international community and international organizations to make ANSAs accountable for their recruitment and use of child soldiers, as well as for other grave violations against children;
- *fight* against impunity, including regarding sexual and gender based violence committed against children, including violations committed by ANSAs;

[1] Available from https://childrenandarmedconflict.un.org/publications/ParisPrinciples_EN.pdf in English and https://childrenandarmedconflict.un.org/publications/ParisPrinciples_FR.pdf in French.

[2] Available from https://childrenandarmedconflict.un.org/publications/ParisCommitments_EN.pdf in English and https://childrenandarmedconflict.un.org/publications/ParisCommitments_FR.pdf in French.

- *consider establishing* legislation which puts in place military assistance restrictions to listed government security forces to press countries to take meaningful action to end and prevent grave violations;
- *put in place* vetting mechanisms in the case of integration of ANSAs into national armed forces to make sure that no perpetrators of grave violations against children are integrated, including high-ranking officers and rank-and-file;

1.3. Prevention

Anticipation and development

- *identify and address* the root causes (social, economic, ethnic, religious) that facilitate the recruitment or use of children by ANSAs through broad and diversified forms of actions;
- *put in place* measures to prevent the recruitment of children, including through the promotion of universal birth registration and the establishment of age-verification mechanisms;
- *implement* early warning mechanisms, in cooperation with civil society, the UN and other international organizations, to detect and respond to risks and threats regarding violations of children's rights during armed conflict;

Outreach and advocacy

- *develop* campaigns in schools and through the radio and other media tools, and reach out to children, in particular in less developed, rural and isolated areas, and who might be affected by or get involved in ANSAs, including through cybercriminality;
- *interact* with the local actors, civil society and religious leaders to advocate for and support the protection and respect for children's rights, including to prevent child recruitment and use;
- *promote and explain* the Paris Principles and Commitments as a tool of prevention;

Support

- *provide* technical and financial support, including to local structures, to enhance capacity to prevent recruitment and use of children by ANSAs;

1.4. Reporting and data collection

- *improve* the collection of information and data on ANSAs based on their structure, financing, motivations, size and military command, so as to better differentiate them, design specific measures for each ANSA, and adapt advocacy and response to end and prevent grave violations against children;
- *support* the UN Monitoring and Reporting Mechanism (MRM), by participating actively in coordination meetings, sharing data and information on all six grave violations and engage with Country Task Forces on MRM on remedial actions;

- *give specific attention* to data collection related to the situation of girls and other vulnerable children including those with disabilities, and cumulative violations they are subjected to, so as to adapt protection and reintegration programmes to their needs;

1.5. DDR

Elaboration and Financing of DDR programmes

- *elaborate, support and implement* child sensitive disarmament, demobilization and reintegration programmes for children formerly associated with armed forces and groups, with dedicated attention and resources to the special needs of girls and children with disabilities;
- *provide* sufficient and predictable long term funding and allocation of government budget for such programmes;
- *involve* all branches of the government, the United Nations and civil society in the elaboration and implementation of DDR processes and *create* technical groups at national and local levels for the elaboration of DDR programmes;

Rehabilitation and comprehensive reintegration

- *rehabilitate and reintegrate* children economically, socially and culturally in the society and provide durable socioeconomic alternatives in order to avoid their re-recruitment by the same or other groups;
- *include* psychological care, including, where necessary, counselling in such programmes;
- *integrate* prevention of child recruitment as part of every security sector reform through for example establishing and/or institutionalizing age-verification systems, and integrating child protection into training and military curricula;
- *sensitize* all actors, in particular locally, on the phenomenon of stigmatization that child soldiers are often exposed to, in order to facilitate more successful reintegration of children who have actively participated in armed conflict;

1.6. Military action

- *ensure* that the rules of engagement of national security forces and standard operating procedures include precise and consistent child protection provisions, including on handling children suspected of or found to be associated with ANSAs and encountered in the course of operations, on their separation from armed groups and on their transfer to child protection actors;
- *make sure* that the necessary measures are taken in accordance with international humanitarian law so that armed forces do not attack schools and immediately *cease* attacks and threats of attacks against schools, students and teachers, and *refrain from* actions that impede children's access to education and to health services, in line with resolution 2143;
- *ensure* appropriate and regular training of troops on international humanitarian and human rights law and child protection standards, including on the prevention of sexual exploitation and abuse, prior to military operations;

1.7. Violent extremism

Counter-terrorism

- *encourage* dialogue and cooperation between local or religious leaders to avoid and counter radicalization, manipulation and recruitment of children by extremist ANSAs;
- *develop* effective counter terrorism strategies which include measures to address the use of social media and online child recruitment by extremist groups, so as to fight extremist cybercriminality;

Respect of international standards

- *ensure* that the fight against terrorism and violent extremism is conducted in compliance with international humanitarian, human rights and refugee law;
- *avoid* the detention of children suspected of or found to be associated with violent extremist or terrorist ANSAs in the fight against extremism, and consider children primarily as victims;
- *make sure* that the fight against terrorism does not criminalize contact for solely humanitarian reasons with ANSAs considered as violent extremists;
- *establish* standard operating procedures for the treatment, transfer and reintegration of children suspected or found to be associated with violent extremist or terrorist ANSAs;

1.8. Education and health

Assistance and support

- *provide* the adequate medical, psychosocial and reintegration programmes and services to children survivors of sexual and gender-based violence;
- *give full attention* to the suffering of children who have been victims of violations, particularly girls, so as to provide adequate support to help them overcome any negative experiences and, in some cases, trauma;
- *implement* informational campaigns, including locally and in schools, to fight stigmatization of pregnant girls and raped or sexually abused children;

Protection of infrastructure

- *implement* Security Council resolution 2143 (2014);
- *support* the promotion of the Guidance Note on Attacks on Schools and Hospitals developed by the Office of the SRSG CAAC, UNICEF, UNESCO and WHO;
- *consider* concrete measures to deter military use of schools and hospitals in contravention of applicable international law, such as through sensitization and information (for instance through short trainings, ministerial circulars etc.) of national security forces on this resolution;
- *take concrete measures* to protect schools and hospitals from attacks and make them safer, by developing early warning mechanisms to identify risks, as well as safety planning for children and defining secure places;

- *follow* the ongoing consultations on the development of the "Guidelines on the protection of schools and universities in armed conflict" as well as on the "Safe School Declaration";

1.9. Natural resources

- *Address* the issue of recruitment and use of children by ANSAs in the fight against exploitation and trafficking of natural resources.

2. For THE UNITED NATIONS:

2.1. Listing, Monitoring and Reporting

- *address* the worrisome pattern of abduction of children by adding abductions as a new trigger for listing parties in the annex of the annual SG report on children and armed conflict in line with resolution 1379 (2001);
- *encourage* UN agencies and relevant international organizations and actors to actively contribute to the Monitoring and Reporting Mechanism (MRM) on grave violations, and *strengthen* coordination among them, in compliance with relevant resolutions such as 1612 (2005) which established the MRM;

2.2. Sanctions Committees

- *enhance* coordination between sanction committees, panels of experts, SRSG and the Security Council Working group on Children and Armed Conflict through the exchange of pertinent information and regular briefings by SRSG to sanctions committees, and her and her office's meetings with panels of experts;
- *include*, where needed, a child protection focus and possible dedicated international human rights and humanitarian law expertise in panels of experts and expert groups of relevant sanctions committees, so as to monitor violations against children in armed conflict and make recommendations for listing;

2.3. Mediation and Negotiation

Peace agreements

- *Include more systematically* child protection provisions, including those relating to the release and reintegration of children, in all peace negotiations and agreements;
- *make sure* the unconditional release of children suspected of or found to be associated with ANSAs and their reintegration are reflected in all peace and cease-fire agreements, and are being aimed at in contexts where negotiations haven't started or have failed;
- *elaborate* guidance for Mediators or Special Envoys on how to include child protection provisions in peace agreements as well as in their daily negotiation efforts;

Dialogue

- *work* in close cooperation with State authorities when encouraging ANSAs to engage in protecting children in armed conflicts;
- *develop*, within the Office of the Secretary-General's Special Representative on Children and Armed Conflict, and in collaboration with other stakeholders and actors on the field, a working paper on engaging non-State armed groups, drawing on the best practices and innovative tools available;

Action plans and deeds of commitment

- *develop and facilitate* the negotiation and signature of action plans by ANSAs to end and prevent recruitment and use of children as well as other grave violations of children;
- *cooperate* with civil society who can help promote deeds of commitment, while avoiding that the signing of these documents by ANSAs leads to political exploitation of this issue or is used as a means of propaganda to claim legitimacy;

2.4. Peacekeeping

Mandates

- *ensure* the inclusion of child protection provisions and resources in mandates of peace operations;
- *thoroughly* evaluate mandates due for renewal with a view to considering the degree of protection given to children and to strengthening the mandate accordingly;
- *involve*, through clear provisions in UN peacebuilding mandates, local actors through joint outreach programmes and "peer-to-peer" initiatives to facilitate release and reintegration;
- *plan* organized and resourced transfer of child protection activities in situations in which the mission is drawing down;

Operating procedures

- *include* child protection provisions, including on how to address children suspected of or found to be associated with ANSAs, in UN military and police rules of engagement and standard operating procedures;
- *develop* standard operating procedures for peacekeeping troops on the transfer of children suspected of or found to be associated with ANSAS to child protection actors;
- *prepare* concrete strategies, with relevant UN agencies on the field and in collaboration with other local stakeholders, on how to engage with different ANSAs, taking into account the environment in which they are operating;
- *establish* procedures for alerting child protection actors to child specific concerns the contributing troops may observe during their operations;

Deployment

- *continue* deploying child protection advisors in political and peacekeeping missions, and *ensure* a strengthened coordination with other protection actors and advisors within and outside of the mission;
- *deploy* more local female police officers and women peacekeepers to encourage children victims of sexual crimes to report them;
- *appoint* child protection focal points within the ranks of all contributing troops;

Training

- *continue to undertake* mandatory, more regular, targeted and operational training of UN military troops and police contingents on child protection before and during deployment, using the training materials developed by DPKO, OSRSG-CAAC and UNICEF on child protection which should be regularly updated;
- *scale up* predeployment training of UN personnel on children's rights in armed conflicts, including on prevention of sexual exploitation and abuse, so as to become a standard practice for the UN, in coordination with regional organizations;

Support

- *continue* discussions within the C34 so as to find the best solutions for the challenges facing peacekeeping missions in providing the full protection for children in armed conflicts;
- *ensure*, among Child Protection clusters, regular meetings with civil society and NGOs to discuss the strategy of support, identification, referral and reintegration of children;

2.5. Communication and Information

Informing ANSAs

- *inform* ANSAs about their commitments under international law, including international humanitarian law and work closely with relevant international and civil society actors or organizations such as ICRC who are already involved in the sector; *consider* establishing a working group to define the role of each actor;
- *inform* ANSAs about their listing in the SG annual reports and its implications;
- *inform* ANSAs about the conclusions of the Security Council's Working Group on Children and Armed Conflict;
- *call* for a response by the ANSA concerned, including a report of the implementation of action plans and Working Group recommendations;

Communicating

- *sensitize and dialogue* with States and ANSAs as well as relevant leaders, so as to avoid child recruitment, facilitate access to ANSAs and improve the implementation by States of their legal obligations;
- *reinforce* communication (press statements and through social networks) on the state of play of action plans and of the campaign "Children, not Soldiers";
- *regularly examine* the Working Group's toolkit and *use* more often its public communication tools such as press conferences, briefings with civil society experts, presidential declarations on concrete situations, and *explore* new communication strategies through social networks to reach children and ANSAs;

Exchange of information between stakeholders

- *regularize* the exchange of information and communication between the Working Group, the Office of the Special Representative and the International Criminal Court, by inviting the Prosecutor of the Court for briefings and direct exchange of information;
- *encourage* the exchange of information between States through legal cooperation agreements;

2.6. Mainstreaming in the international agenda

- *include* a focus on child protection in the run up to the World Humanitarian Summit;
- *include* a clear objective on child protection in the post-2015 development agenda.

3. For REGIONAL ORGANIZATIONS:

- *Promote and strengthen* cooperation at a regional and subregional level, including with civil society, to develop regional strategies to facilitate the promotion and implementation of action plans by ANSAs;
- *work closely* with States and the United Nations to help negotiating and signing of action plans by ANSAs, as well as monitoring compliance of these action plans and of child protection provisions of peace processes;
- *work closely* with the United Nations in the implementation of agreements on children and armed conflict signed between regional organizations and the SRSG-CAAC (namely the African Union, the League of Arab States) or in the implementation of their own CAAC policies (AU, European Union and NATO);
- *coordinate* with the United Nations on standard practices regarding predeployment training of regional troops and personnel on children in armed conflicts;
- *include* child protection provisions, including on how to address children associated with ANSAs, in regional peace operations' mandates, rules of engagement and operating procedures;

- *develop* standard procedures for regional forces on the separation and transfer of children associated with ANSAS to child protection services and actors;
- *deploy* child protection advisors in regional peace support operations;
- *help* strengthening and building national capacities of States, through training or technical assistance, regarding child protection in armed conflict;

4. For OTHER STAKEHOLDERS:

4.1. ANSAs

- *immediately cease* all forms of violence against children, including the recruitment and abduction of children;
- *abide* by their obligations under applicable international law;
- *negotiate, adopt, sign and implement* action plans to end and prevent violations against children;
- *engage* with governments, official authorities and the United Nations to end hostilities and release all children from their ranks;
- *engage* with protection and humanitarian actors who support formerly associated children in their release and reintegration, including by facilitating access to areas under their control;

4.2. Civil society

- *build regular links* with local actors to enhance confidence building and facilitate access to ANSAs; *engage* dialogue when sure to provide a response, so as to avoid frustration and rupture of the trust;
- *dialogue* with local and religious leaders and other relevant actors to help preventing child recruitment, indoctrination and facilitate reintegration;
- *ensure* that ANSAs which seek to justify the recruitment and use of children in the pursuit of ideological goals are held accountable;

4.3. Donors

- *secure* more long-term, sufficient and predictable financial resources for the expeditious implementation of the agenda of children and armed conflict;
- *guarantee* the full support and funding to programmes and activities for children formerly associated with armed groups/forces, with a focus on those who were separated from their families and the survivors of rape and other forms of sexual violence;
- *ensure* timely and adequate international support as well as sufficient and predictable funding for DDR dedicated to children;
- *support* NGOs who have built confidence measures and established dialogue with ANSAs.